Canada's Nuclear Regulator

Public and Aboriginal Engagement

Public Information and Disclosure

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Preface

This regulatory document is part of the CNSC's Public and Aboriginal Engagement series of regulatory documents. The full list of regulatory document series is included at the end of this document and can also be found on the CNSC's website.

As defined under subsection 9(b) of the *Nuclear Safety and Control Act*, the Commission has a mandate to disseminate objective scientific, technical and regulatory information to the public concerning nuclear activities.

To improve the level of understanding by the public of information about proposed or licensed nuclear facilities and activities, licensees and licence applicants are required to develop and implement a public information program that includes a disclosure protocol. Through an effective public information program, a licensee or licence applicant establishes an atmosphere of openness, transparency and trust. Licensees and licence applicants are encouraged to adopt the most appropriate and effective means of communication. Each public information program and its disclosure protocol should be designed to address the information needs of its target audience. This document clarifies the requirements of public information that, in turn, strengthens the public disclosure component.

REGDOC-3.2.1 is also intended to assist CNSC staff in assessing documentation submitted as part of an application for a new CNSC licence, a licence renewal or compliance verification.

REGDOC-3.2.1 supersedes RD/GD-99.3, *Public Information and Disclosure*, published in 2012.

Important note: Where referenced in a licence either directly or indirectly (such as through licensee-referenced documents), this document is part of the licensing basis for a regulated facility or activity.

The licensing basis sets the boundary conditions for acceptable performance at a regulated facility or activity, and establishes the basis for the CNSC's compliance program for that regulated facility or activity.

Where this document is part of the licensing basis, the word "shall" is used to express a requirement to be satisfied by the licensee or licence applicant. "Should" is used to express guidance or that which is advised. "May" is used to express an option or that which is advised or permissible within the limits of this regulatory document. "Can" is used to express possibility or capability.

Nothing contained in this document is to be construed as relieving any licensee from any other pertinent requirements. It is the licensee's responsibility to identify and comply with all applicable regulations and licence conditions.

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Public Information and Disclosure

1. Introduction

1.1 Purpose

The purpose of this document is to set out the regulatory requirements of the Canadian Nuclear Safety Commission (CNSC) for public information and disclosure, for licensees and applicants. A program for public information includes a public disclosure protocol regarding events and developments involving their facilities and/or activities. This document also provides guidance on the development and implementation of CNSC requirements for public information programs and disclosure protocols.

This document is also intended to assist CNSC staff in assessing the public information program and its disclosure protocol for a new CNSC licence, a licence renewal or continuing compliance verification.

1.2 Scope

This regulatory document applies to all uranium mines and mills and Class I nuclear facilities. It also applies to a Class II facility that is required to develop and implement a public information and disclosure program as a condition of its licence.

This document defines the CNSC's requirements for public information programs and disclosure protocols and related documentation as they relate to licensed activities. This document provides guidance on how licensees and licence applicants can meet the regulatory requirements by providing explanatory information, process and procedural guidance, and examples of good practices currently in use in the nuclear sector.

1.3 Relevant legislation

A public information program that includes a disclosure protocol is a regulatory requirement for licence applicants and licensed operators of Class I and Class II nuclear facilities, and uranium mines and mills. The requirements for public information programs and disclosure protocols are derived from the stated objectives of the Commission in the *Nuclear Safety and Control Act* (NSCA). The relevant provisions are as follows:

- subsection 9(b) of the NSCA: "The objectives of the Commission are (a)… and (b) to disseminate objective scientific, technical and regulatory information to the public concerning the activities of the Commission and the effects, on the environment and on the health and safety of persons, of the development, production, possession and use referred to in paragraph (*a*)."
- paragraph 3(j) of the *Class I Nuclear Facilities Regulations*: "…the proposed program to inform persons living in the vicinity of the site of the general nature and characteristics of the anticipated effects on the environment and the health and safety of persons that may result from the activity to be licensed."
- paragraph 3(r) of the *Class II Nuclear Facilities and Prescribed Equipment Regulations*: "…the program to inform persons living in the vicinity of the site of the general nature and characteristics of the anticipated effects on the environment and the health and safety of persons that may result from the nuclear facility."

- sub-paragraph 3(c)(i) and paragraph 8(a) of the *Uranium Mines and Mills Regulations*: "…the program to inform persons living in the vicinity of the mine or mill of the general nature and characteristics of the anticipated effects of the activity to be licensed on the environment and the health and safety of persons" and "…the program to inform persons living in the vicinity of the site of the mine or mill of the general nature and characteristics of the anticipated effects of the abandonment on the environment and the health and safety of persons."

2. Public Information Program

2.1 Overview

Licensees and licence applicants of uranium mines and mills, Class I and applicable Class II nuclear facilities shall develop and implement a public information program that includes a disclosure protocol.

The primary goal of the public information program, as it relates to the licensed activities, is to ensure that information related to the health, safety and security of persons and the environment, and other issues associated with the lifecycle of nuclear facilities are effectively communicated to the public. As a component, where the public has indicated an interest to know, the program shall include a commitment to and protocol for ongoing, timely communication of information related to the licensed facility during the course of the licence period.

In the case of licence renewals, licensees and applicants shall describe how the public information program and its disclosure protocol builds upon past activities and how the program will be updated to address the communication needs of their target audiences during upcoming licensing periods.

The public information program and its disclosure protocol shall be commensurate with the public's perception of risk and the level of public interest in the licensed activities, which may be influenced by the complexity of the nuclear facility's lifecycle and activities, and the risks to public health and safety and the environment perceived to be associated with the facility and activities.

The public information program and its disclosure protocol shall be managed to ensure that it continues to meet its objectives.

The public information program and disclosure protocol should be developed taking into consideration:

- the type of facility and activities being regulated
- the risks to public health, safety and security, and the environment posed by the facility or activity
- the level of public interest or concern

The program should be detailed enough to ensure that target audiences affected by and interested in the licensed facilities and activities are informed on a timely basis about operations, activities, and anticipated effects on the environment and the health and safety of persons.

Where the licensee or licence applicant has established that the target audience does not wish to receive any information about the activities licensed by the CNSC, the public information program and its component disclosure protocol could be limited to a statement of these facts.

Licensed organizations that have existing public information programs that address other corporate needs are encouraged to use this infrastructure to meet the requirements in this document.

The public information program and disclosure protocol should be managed to ensure that it continues to meet its corporate, policy, social and legal objectives. Where a licensee has a management system, the program should be managed as part of that system.

2.2 Program elements

The proposed public information program and its disclosure protocol shall include the following elements.

2.2.1 Objectives

The public information program shall define measurable objectives, explained within the context of overall corporate objectives.

Licensees and licence applicants should establish the objectives of the public information program and disclosure protocol in broad terms. Objectives should be measurable and are often best explained within the context of an overall corporate objective. For example, a corporate vision, mandate or mission statement, or a specific communications policy may help describe the objectives of the public information program and disclosure protocol.

2.2.2 Target audience(s)

The public information program shall define the target audiences, and the rationale utilized for their inclusion. The program shall also document the rationale for exclusion of public sectors who explicitly have expressed interest in becoming part of the target audience.

Licensees and licence applicants should clearly define the target audiences for the public information program. Target audiences include the general population of the local community and other communities impacted by the licensee's nuclear facility and related activities. This should include key opinion and political leaders, community and media groups, interveners, and Aboriginal groups. The size and variety of these audiences depends on the type and location of the facility and activities, and the geographic vicinity of the community population.

While those persons who live in close proximity to a nuclear facility usually comprise the primary target audience, the CNSC encourages licensees and licence applicants to employ a broad and inclusive interpretation of "persons living in the vicinity" to ensure that information reaches as many interested parties as possible. For example, although they are not permanent residents of the community, faculty members and students living and working on a campus with a research reactor would be a potential target audience for information about the anticipated effects of a licensed activity.

2.2.3 Public and media opinion

The public information program shall identify and describe community and public views, opinions and concerns in relation to the licensed activities and the means utilized to obtain them.

This information can be obtained by licensees and licence applicants through public opinion polling, surveys or analysis of media coverage. In addition, letters from the public or stakeholders received directly by licensees and licence applicants may also identify community and stakeholder perceptions and opinions.

The media may reflect and influence public opinion. Therefore, the media analysis should describe the amount and nature of media coverage related to the facility or activity, and the media involved (e.g., television, print, blogs and other social media). In addition, the support or concern that has been expressed with relation to the licence application, licensed facility or activities should be described.

Once the concerns have been identified, only those concerns related to the CNSC-licensed activities should be considered. For example, layoffs in office staff or parking details may very well be of interest to the target audience, but are not related to the CNSC licensed activities - therefore, these would not be part of the public information program and disclosure protocol.

Efforts taken by licensees and licence applicants to obtain public and media views should be commensurate with the complexity of:

- the level of public interest they generate
- the design, construction and operation of the nuclear facility and activities being licensed
- the risks to the health and safety of persons and the environment associated with the facility and activities

The views of the public and media regarding the facility and related activities are likely to influence the communications tools and information utilized by licensees to deliver an effective public information program and disclosure protocol.

2.2.4 Public information strategy and products

The public information program shall provide open and transparent means and access for the public to obtain desired operational, environmental and safety information about the licensed facility or activities. As part of this program, if a licensee is required to conduct an environmental risk assessment (ERA) and/or a probabilistic safety assessment (PSA), the ERA and a summary of the PSA must be posted on the licensee's website.

The public information strategy and related products should include the following:

- information products that will be developed
- samples of the information products (if available)
- methods used to distribute the information
- how the information will address the perceived risk to health, safety and the environment of the licensed activity
- how specific target audiences will be reached
- how licensees and licence applicants will respond to and record comments, questions or concerns expressed by the target audiences
- timelines for releasing information, in accordance with the public disclosure protocol

Information related to the public information program and disclosure protocol of the licensee or applicant should be readily accessible to the target audiences. In developing the program's communication strategies and products, licensees and licence applicants may consider the following methods to ensure that the message is received by the public as intended:

- communicating information using modern electronic means, such as the Internet or social media, where possible, but also using printed material where necessary or applicable
- employing multiple communications vehicles to enhance public understanding of the information, such as a Web site, social networking, press releases, internal newsletters/intranets, posters or other print material (where applicable, the preferred option is to post the information on the licensee's and licence applicant's Web site)
- ensuring information is presented in a manner that is understandable to the public, preferably using plain, non-technical language (e.g., radiation exposure relative to natural background levels or single chest X-ray exposure)
- providing the public with easy access to licensee and licence applicant contact names so they can communicate verbally, electronically or in writing for additional information

2.2.5 Public disclosure protocol

The public information program shall include a public disclosure protocol describing the information and the medium of disclosure in regard to information and reports of interest to the public. Items of interest to the public may include routine and non-routine situations, events and activities.

Additional information on reporting under the public disclosure protocol is provided in section 2.3

2.2.6 Program evaluation and improvement process

The public information program shall include a process for evaluating its performance and for developing and implementing measures to improve effectiveness.

The program evaluation and improvement process should describe the proposed method and the timelines for:

- evaluating the performance of the public information program and disclosure protocol in meeting the stated objectives
- the measures implemented or planned to improve its effectiveness

The evaluation method may include, but is not limited to, surveys of the surrounding communities to gauge changes in public interest in and perceptions of the facility or activities or satisfaction with the information provided. This may include Web site traffic trending, frequency of Web site hits, benchmarking against similar licensees and licence applicants, and volume trending of calls, emails and letters.

Samples of information materials produced and disseminated, with a detailed description of public information and disclosure activities undertaken, should be provided to the CNSC when reporting on public information and disclosure activities. These samples are essential components of program reviews, improvement planning and compliance verification.

2.2.7 Contact information

The public information program shall define and provide contact information for the person(s) responsible for the program and its disclosure protocol.

2.3 Public disclosure protocol

An important element of a public information program is the public disclosure protocol, which is identified in section 2.2.5 above.

2.3.1 Requirements of a public disclosure protocol

Licensees and licence applicants shall have an established public disclosure protocol to address their target audiences' information interests in relation to the licensed activities.

The public disclosure protocol is an integral part of the public information program. Licensees and licence applicants shall describe:

- the type of information or reports to be made public
- the criteria for determining when such information and reports are to be published
- the medium of disclosure for such information and reports

Licensees and licence applicants shall consult with public stakeholders and interest groups with a primary focus on the local community to determine what types of information would be of public interest. Typical examples of such types of information can be found in section 2.3.2.

Where the licensee or licence applicant has established that the target audience does not wish to receive any information about the activities licensed by the CNSC, the public information program and its component disclosure protocol could be limited to a statement of these facts.

The public disclosure protocol shall be made available to the public and preferably, where practicable, shall be posted on the licensee's and licence applicant's Web site.

Licensees and licence applicants shall send revisions of their public disclosure protocol to the CNSC indicating feedback received from members of the public, the changes and the reasons for the changes to the protocol.

As a minimum, the protocol shall contain instructions, criteria and requirements with respect to the timely disclosure of information known to be of interest to the target audience.

2.3.2 Guidance for a public disclosure protocol

Licensees and licence applicants should strive to be open and transparent in their relations with community representatives, target audiences and the public. They should seek to gain an understanding of what information the public wishes to know.

In developing the protocol, licensees and licence applicants should adhere to the communication strategies and products documented in their public information programs.

Depending on the type of facilities/activities and interests of the target audience, the information to be disclosed may, for example, include (but is not limited to):

- significant operational developments such as labour disputes and expansion or changes in facility design or operation
- events with offsite effects or which could result in public interest and concern or media attention
- fires
- impact of natural events such as earthquakes, floods, lightning
- serious vehicle or industrial accidents
- planned and unplanned significant interruptions of facility operations, such as disruption of isotope production.
- routine and non-routine releases of radiological and hazardous materials to the environment
- unplanned events, including those exceeding regulatory limits
- environmental monitoring reports

Licensees should ensure that the public disclosure protocol does not prescribe the release of sensitive information, such as security-related information and trade secrets or scientific, technical, commercial, financial or labour relations information.

The information to be provided to the target audience should be linked to the public's perception of risk as it relates to nuclear safety and to the CNSC's mandate which is "to protect the health, safety and security of persons and the environment; and to respect Canada's international commitments on the peaceful use of nuclear energy."

2.3.3 Public disclosure notification

It is CNSC policy to promote open and transparent public relationships between licensees and applicants and their target audiences and to assist in the broader dissemination of information to the general public where appropriate.

Licensees and applicants shall inform the CNSC of disclosures made under the public disclosure protocol described in section 2.3.1 at the time of, or before, such disclosure.

Copies of public information disclosed that are sent to the CNSC should be sent to the appropriate point of contact with the subject title: PUBLIC DISCLOSURE – [facility name, date of disclosure].

2.4 Documentation and records

Documents and records provide an organization with a means to manage and meet its corporate, business, social, legal, regulatory, and other objectives and requirements.

Licensees and licence applicants shall maintain documents and records of their public information program and disclosure protocol. The documents and records shall demonstrate that the implementation of the program is adequate.

Documents and records describing the public information program and its disclosure protocol should be maintained for continuing management controls, independent review, submission with a licence application, and for subsequent compliance verification by the CNSC.

Documents and records on public information and disclosure activities should be readily available upon request.

Glossary

For definitions of terms used in this document, see REGDOC-3.6, *Glossary of CNSC Terminology*, which includes terms and definitions used in the *Nuclear Safety and Control Act* (NSCA) and the regulations made under it, and in CNSC regulatory documents and other publications. REGDOC-3.6 is provided for reference and information.

CNSC Regulatory Document Series

Facilities and activities within the nuclear sector in Canada are regulated by the Canadian Nuclear Safety Commission (CNSC). In addition to the *Nuclear Safety and Control Act* and associated regulations, these facilities and activities may also be required to comply with other regulatory instruments such as regulatory documents or standards.

Effective April 2013, the CNSC's catalogue of existing and planned regulatory documents has been organized under three key categories and twenty-five series, as set out below. Regulatory documents produced by the CNSC fall under one of the following series:

1.0 Regulated facilities and activities

Series 1.1 Reactor facilities
1.2 Class IB facilities
1.3 Uranium mines and mills
1.4 Class II facilities
1.5 Certification of prescribed equipment
1.6 Nuclear substances and radiation devices

2.0 Safety and control areas

Series 2.1 Management system
2.2 Human performance management
2.3 Operating performance
2.4 Safety analysis
2.5 Physical design
2.6 Fitness for service
2.7 Radiation protection
2.8 Conventional health and safety
2.9 Environmental protection
2.10 Emergency management and fire protection
2.11 Waste management
2.12 Security
2.13 Safeguards and non-proliferation
2.14 Packaging and transport

3.0 Other regulatory areas

Series 3.1 Reporting requirements
3.2 Public and Aboriginal engagement
3.3 Financial guarantees
3.4 Commission proceedings
3.5 CNSC processes and practices
3.6 Glossary of CNSC terminology

Note: The regulatory document series may be adjusted periodically by the CNSC. Each regulatory document series listed above may contain multiple regulatory documents. For the latest list of regulatory documents, visit the CNSC's website.